

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
November 9, 2004**

Place: Room 206  
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:  
Damanti, Bigelow, Spain, Forman, Kenny

STAFF ATTENDING: Ginsberg, Keating  
COURT RECORDER: Beler

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**GENERAL MEETING**

**Election of Officers (Chairman, Vice-Chairman, Secretary, SWRPA Representative)**

Ms., Spain made a motion to nominate Mr. Pat Damanti as Chairman. That motion was seconded by Ms. Forman, and approved by a vote of 3-0, with Mr. Damanti abstaining.

Mr. Bigelow made a motion to nominate Mr. Fred Conze as Vice Chairman. That motion was seconded by Mr. Spain, and approved by a vote of 4-0.

Ms. Forman made a motion to nominate Mr. Joe Spain as Secretary. That motion was seconded by Mr. Bigelow, and approved by a vote of 3-0, with Mr. Spain abstaining.

Mr. Bigelow made a motion to nominate Mr. David Kenny as SWRPA Representative. That motion was seconded by Mr. Spain, and approved by a vote of 4-0.

**Adoption of Year 2005 meeting schedule**

Mr. Bigelow moved to approve the 2005 Planning & Zoning Meeting schedule. That motion was seconded by Mrs. Forman, and approved by a vote of 4-0.

Mr. Kenny then arrived at the meeting.

**PUBLIC HEARING**

Mr. Damanti read the first agenda item:

**Continuation of Public Hearing regarding Coastal Site Plan Review #186-B, Flood Damage Prevention Application #198-B, Denis & Jennifer Manelski, 11 Pratt Island.** Proposing to raze the existing residence, garage and greenhouse, and construct a new residence on the existing foundation with an addition, a garage, and a swimming pool, and perform related site development activities within regulated areas. The subject property is located on the south side of Pratt Island approximately 1,150 feet south of the intersection of Nearwater Lane and Baywater Drive, and is shown on Assessor's Map #55, as Lots #121 & #122 in the R-1 Zone.

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Attorney Robert F. Maslan, Jr., of Maslan Brown Associates, represented Denis and Jenifer Manelski, owners of 11 Pratt Island. There will be a continuation of this hearing because another application has to be filed with the Zoning Board of Appeals (ZBA). The Manelskis' recent application was denied by the ZBA, and there has to be a variance in hand for the next Planning and Zoning Commission meeting in January 2005. Attorney Maslan consented to this continuation to January. Mr. Damanti advised Mr. Maslan that he is out of extensions and needs to obtain a variance by the January 2005 meeting. Mr. Maslan will withdraw the application if he does not have the variance by then.

Mr. Bigelow moved to continue this discussion at the January 4, 2005 Meeting. Mr. Spain seconded the motion, which was approved by a vote of 4-0.

Mr. Damanti then read the next agenda item.

**Continuation of Public Hearing regarding Special Permit Application #66-J, Darien YMCA, 2420 Boston Post Road.** Proposing to replace existing racquetball and squash courts with group exercise rooms; replace and upgrade mezzanine in Wellness Center; enlarge and upgrade parking lot; amend operating hours; and perform related site development activities. Subject property is located on the south side of Boston Post Road, approximately 520 feet east of its intersection with Weeds Landing, and is shown on Tax Assessor's Map #53 as Lot #60, R-1/2 Zone.  
*PUBLIC HEARING CONTINUED FROM OCTOBER 12, 2004.*

Attorney Robert F. Maslan, Jr., of Maslan Brown Associates, represented the YMCA. Also present at this meeting were Mr. James Schell, President of the YMCA, Mr. Pat Morrissey, Executive Director of the YMCA, and Mr. McKeg, Architect, and, Donald Tone, a representative from FP Clark Traffic Consultants.

Mr. Maslan spoke to the Commission regarding the abovementioned Special Permit Application #66-J. He first addressed the problem of neighbors complaining about the lighting coming from the Wellness Center. He explained that this lighting was from the pool windows and not the Wellness Center. The YMCA is considering replacing the shades in the pool area, and there would be no lighting coming from there when the shades are drawn.

He then went on to speak about the recent parking study done since the YMCA is requesting 50 additional parking spaces be added to their parking lot because of unsafe, overcrowded conditions, especially during Special Events when people are forced to park their cars out on the Post Road. A letter signed by 149 people in support of the application was submitted, as well as a fall program guide.

Mr. Pat Morrissey, Executive Director of YMCA, presented the reasons why the YMCA is requesting these additional parking spaces and also discussed the proposed reconfiguration of the YMCA facility. The reconfiguration of the squash and racquetball courts would be to meet the current needs of the community for more wellness-oriented activities such as aerobics, spinning, and weight training. There are now about 400 programs held annually at the YMCA.

Although he was aware of space and time limitations with regard to responsibility and commitment to the neighboring residential area, he feels that the YMCA has a responsibility and commitment to

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the Darien community to provide these services locally. The YMCA is not necessarily looking to increase services, but to better improve what they have, make changes in response to demand, and make them safer.

Further discussion stated that many of the rooms in the YMCA should not be used for the activities that are currently held in them because of space limitations. Many times equipment has to be moved around, and acoustics and flooring are not conducive to the classes held there. The Wellness Center is very crowded with weight training equipment and passage through there is unsafe.

Mr. Damanti then asked Mr. Morrissey about the space in Goodwives Shopping Center currently occupied by the YMCA. Mr. Morrissey explained that the Gymnastics Program utilizes this facility until 9:45PM every night, and has many programs throughout the day for all ages. He also mentioned that the cost of renting space in Goodwives was astronomical.

Mr. Spain questioned whether the new configuration/change would cause further parking problems with a possible increase in people using the facility. He also questioned how much the surrounding residential areas will be impacted by this proposal.

Several suggestions were made to drop classes during late evening hours to solve the problem of parking in the dark, having employees park in the Christian Science Church parking lot across the street during work hours, and that the YMCA could self-monitor this pattern of traffic overflow to see what programs could be dropped, and produce evidence/records for this and how to resolve it.

Mrs. Forman brought up the questions of whether the reconfiguration of the YMCA facility and parking were two separate issues. Mr. Morrissey stated that the reconfiguration would not impact parking.

Mr. Damanti questioned why 50 additional parking spaces were needed on top of the 146 current parking spaces, and if hours of operation were increased in early A.M., wouldn't this impact parking and again cause potential impacts of lights, and car doors slamming to disturb neighbors? He also stated that based on information and studies presented here tonight, he cannot find justification for allowing 50 more parking spaces. Mr. Morrissey responded that the YMCA already opens at 5:45 A.M. eight months a year for the high school swim team. Longer hours would spread out the intensity of use.

A Weed's Landing resident presented diagrams of trees of the YMCA property and pointed out ruts in the property. A discussion ensued involving moving fences and trees for screening the parking lot from the Weed's Landing residents. This will involve further work and discussion with the YMCA to resolve this.

Several members of the public present at this meeting spoke briefly for and against the reconfiguration and parking problems. Mr. William Flanagan, of 3 Stony Brook Road South, mentioned that this request has gone before the Commission before regarding the size limitations for the YMCA as well as parking, which were clearly spelled out, and that the YMCA has to know when "enough is enough". He believes the reconfiguration will result in more people in the building and increased parking problems.

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Mr. Bill Perley, of 3 Seagate Road also believes that the original limitations put on the YMCA should be enforced and there are many traffic problems, particularly during swim meets. He also opposes the additional exit proposed out on the Post Road because of traffic safety concerns, and that property values in neighborhoods around the YMCA would suffer.

Ms. Jane Belekosinin, who directly across the street from the YMCA mentioned that there were very few times that she noticed cars spilling over onto Post Road.

Mr. William Atkinson who lives next door to the YMCA, at 2390 Boston Post Road stated that the residential neighbors' request to limit YMCA expansion and parking should be considered more heavily than other considerations in town. He mentioned that traffic overflow should be expected at certain times and that the easement used for service vehicles for the YMCA is destroying the grass near his home. He was also concerned about impacting the natural beauty of the area with expansion and further parking congestion.

Mrs. Martha Ryan of 37 Three Wells Lane spoke in support of any YMCA expansion programs for further community support of wellness and health for its residents of all ages and the current lack of space at the YMCA to meet these needs. Mr. Doug Milne of 100 Christie Hill Road also supported the YMCA fulfilling the needs of the community and that the YMCA has become a "catch-all" to provide programs for the town not offered by other Town agencies. He also mentioned that property values in neighboring areas have increased, despite the YMCA being there, especially along the waterfront.

Mr. John Lowman of 376 Brookside Road then added comments that parking is a problem even without special events going on and that the Wellness Center is crowded and unsafe, which should be addressed to preserve current membership and prevent members from going to competitors like Equinox.

Mr. Jim Rogers, Project Architect, stated that the existing space of 9400 square feet would be increased to 11,000 square feet after the reconfiguration, with all new spaces meeting fire and safety codes. Attorney Robert Maslan then addressed the distance of a proposed new traffic exit from Gardiner Street which is to be addressed by the State Department of Transportation, and that this could not be accomplished if DOT finds it unsafe. He then summarized: the YMCA does comply with its limitations on many of their programs, and there is still a parking overflow. The times and choices change and the YMCA has to reconfigure to reflect these changes.

There being no further comments from the public or Commission members, Mrs. Forman made a motion to close the public hearing on this matter. Mr. Kenny seconded that motion, which was unanimously approved. At 10:05 P.M., the Commission went to the General Meeting part of the agenda.

### **GENERAL MEETING**

**Amendment of Subdivision Application #599, 2239 Boston Post Road.**  
Request to build a replacement house.

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Attorney Wilder Gleason of Gleason Hill & Ambrette, represented GW Builders who are requesting an amendment of Subdivision Application #599 for 2239 Boston Post Road. They purchased the property from the original subdividers. He briefly summarized that the builder's original plan was to move the antique house on the property and renovate it and build an addition onto it. While the special house moving company was trying to move the house, the excavator's backhoe slipped, hit a girder, and the antique building fell down. This necessitated the building of a replica of the old house. The insurance company is only covering a part of this and it can no longer be marketed or sold as an antique house, although some of the old moldings, etc. were rescued. The costs in time, materials, and labor have not been compensated by the insurance company. Mr. Gleason submitted a chart of expenses/costs.

They are asking for a special amendment to build a replica of the house as soon as possible and would like to get this approved tonight to begin work immediately. The antique look of the old house would be preserved using new materials while the new house would meet all current Building Codes. Mr. Frank Mercedes, a builder and the owner of Bishop's Gate new housing development, also wanted to expedite approval because it also affects the sale of houses that he is building on neighboring Bishop's Gate.

Mr. Damanti noted that the Commission will discuss this matter further later this evening, after it gets through some other items first. He then read the next agenda item:

**Informal discussion regarding proposed First County Bank, 1006-1010 Boston Post Road, CBD Zone.**

Informal discussion regarding proposed 3,000+/- square foot new bank on Boston Post Road in downtown Darien. The subject property is on the south side of Boston Post Road, across from its intersection with Day Street. This is the existing site of Pennell Jewelers and Van Zant Carpeting.

Mr. Kenny noted that he currently operates Van Zant Carpeting that is operated on-site, and believed that he had no conflict on this matter.

Attorney Wilder Gleason addressed the proposal for First County Bank going into the space on 1010-1012 Post Road. This would be a twenty foot wide building maximum, without a variance because it is on a long narrow property 70'x 250'. He showed two draft concepts. The concerns of drive-thru banking, safe exiting onto Post Road, and possible access to the existing Center Street public parking lot, were discussed since there is a significant activity in this area. The Bank's real estate representative also stated that 3,000 square feet is an average size branch for the bank.

It was agreed that the Bank will need a variance under almost any development scenario. Mr. Damanti believed that it is critical to have access through to the Town property in back of this property, and that traffic must be diverted away from Boston Post Road. Mr. Gleason will consult with the Traffic Authority regarding any possible concerns that they may have.

Mr. Damanti read the next agenda item:

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**Amendment of Special Permit Application #39-K, St. Luke's Episcopal Church, 1864 Boston Post Road.**

Request to install two four foot high pillars, which would attach to the previously approved gate installed in a different location, and to substitute Norway Spruce for the previously approved rhododendrons.

Mr. Ginsberg explained the proposal (a November 4, 2004 letter with attached plan) from Ms. Beery on behalf of the Church. A discussion was held regarding two stone pillars and replacement of rhododendron bushes with spruce trees. A letter was read from Ms. Sally Owen, a neighbor, who had no objection to this work being done. Mr. Spain made a motion to grant the amendment as proposed. Mr. Bigelow seconded that motion, which was approved by a vote of 4-0.

Mr. Damanti then noted that the Commission had received four draft resolutions in their packets on Friday, and had read them over the weekend and become familiar with them. A motion was made by Ms. Forman to waive the reading of the resolutions aloud. That was seconded by Mr. Bigelow, and unanimously approved.

*Discussion, deliberations, and possible decisions regarding:*

**Flood Damage Prevention Application #210, Land Filling & Regrading Application #123, Per & Jeanne Sekse, 29 Outlook Drive.** Proposing to install pool with patio, and regrade the rear yard and perform related site development activities.

A motion was made by Mr. Kenny, seconded by Mr. Bigelow to adopt the resolution as written. That motion was approved by a vote of 4-0. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 9, 2004**

Application Number: Flood Damage Prevention Application #210  
Land Filling & Regrading Application #123

Subject Property: 29 Outlook Drive  
Tax Assessor's Map #52 Lot #70

Name and Address of Applicant: Per & Jeanne Sekse  
And Property Owner 29 Outlook Drive  
Darien, CT 06820

Activity Being Applied For: Proposing to install pool with patio, and regrade the rear yard and perform related site development activities within a regulated area.

Property Location: Subject property is located on the east side of Outlook Drive approximately 500 feet south of its intersection with Woodland Drive.

Zone: R-1/2

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Date of Public Hearing: September 28, 2004

Time and Place: 8:00 P.M.      Room 206      Town Hall

Publication of Hearing Notices

Dates: September 16 & 23, 2004

Newspaper: Darien News-Review

Date of Action: November 9, 2004

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:  
November 18, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 820, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application is to install a pool with patio, and regrade the rear yard and perform related site development activities within a regulated area. The in-ground swimming pool will be approximately 40 feet by 20 feet. There will also be an associated on-grade patio and pool pump house. Some regrading of the property is proposed to occur to the south and east of the pool.
2. The applicant proposes the installation of a new drainage system in order to address potential runoff issues. The need to address drainage and install mitigation structures are specifically referred to on pages 4 and 6 of the Drainage Summary Report dated June 16, 2004.
3. This application was approved by the Environmental Protection Commission (EPC 25-2004). That approval is hereby incorporated by reference.
4. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties and, therefore, this proposal is consistent with the need to minimize flood damage.

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5. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
6. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #210 and Land Filling & Regrading Application #123 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The proposed activities are shown on the plans submitted to the Commission entitled:
  - Staging Plan & Sedimentation Control Plan. Native Flora Designs, LLC, Sekse Residence, scale 1"=20', June 18, 2004, based upon Topographic Map showing property owned by Per Sekse & Jeanne Sekse.
  - Drainage Plan Cut & Fill. Native Flora Designs, LLC, Seske Residence, scale 1"=20', June 18, 2004.
  - Site Development Plan & Grading Plan. Native Flora Designs, LLC, Seske Residence, scale 1"=10', June 18, 2004.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. At the public hearing the applicant recognized that prior site work performed on the property had resulted in drainage and sedimentation problems on adjacent properties. The applicant and neighbor indicated that the past problems had been corrected. The applicant said that if any similar or unforeseen drainage or sedimentation problems occur during the requested site work, that the applicant shall immediately and decisively correct said problem(s). The Commission holds/binds the applicant to that commitment.
- D. Prior to receiving a Certificate of Zoning Compliance, the applicant shall submit a letter from a Professional Engineer certifying that the required drainage and grading has been properly installed in accordance with the approved plans.
- E. Due to the minor nature of the project, the provision of a Performance Bond is hereby waived.



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- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Sections 829f and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (November 8, 2005). This may be extended as per Sections 829f and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

Mr. Damanti then read the next item:

**Business Site Plan #154-A/Special Permit, Number 870 Boston Post Road LLC, 870 Boston Post Road.** Proposing to construct a two-story addition to the existing office building and perform related site development activities.

A motion was made by Mr. Spain, seconded by Ms. Forman, to adopt the resolution as written. That motion was approved by a vote of 4-0. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 9, 2004**

Application Number: Business Site Plan #154-A/Special Permit

Street Address: 870 Boston Post Road  
Tax Assessor's Map #71 Lot #7

Name and Address of	Number 870 Boston Post Road Associates
Property Owner:	870 Boston Post Road
	Darien, CT 06820

Name and Address of Applicant's Representative:	Michiel Boender
And Applicant	163 N. Main Street
	Port Chester, NY 10573

Activity Being Applied For: Proposing to construct a two-story addition to the existing office building and perform related site development activities.

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Property Location: Subject property is located on the southeast side of Boston Post Road, approximately 40 feet west of its intersection with Mansfield Avenue.

Zone: CBD Zone

Date of Public Hearing: October 5, 2004

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: September 23, 2004  
October 1, 2004

Newspapers: Darien News-Review  
Norwalk Hour

Date of Action: November 9, 2004

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
November 18, 2004

Newspaper: Darien News-Review

- the proposed use and activities must comply with all provisions of Sections 650, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This project is to construct additions and alterations to the existing building. The building is now used for a chiropractor's office on the first floor, with other professional office space on the second floor. The proposed addition consists of 715+/- square feet—357+/- square feet on each floor. The total floor area of the building will be 3662 square feet after the addition is completed. The proposed site plan shows 16 parking spaces entirely on the premises. The plans also show two existing parking spaces that are only partially on the premises. The subject property is adjacent to an existing municipal parking lot. No drainage improvements are proposed or necessary for this project.
2. As required by Section 654d of the Darien Zoning Regulations, the Commission hereby makes a finding under Subsection 1005h that the proposed additional first floor space is impractical, undesirable and inconsistent for retail use. As noted above, the amount of new first floor space is 357+/- square feet (measuring 12 feet wide by about 29.9 feet deep), which is not a practical size for a retail use in this particular situation. The approved use of the first and second floor spaces is for business and professional office use.

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3. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
4. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
5. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
6. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
7. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #154-A/Special Permit is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the addition shall be in conformance with the plans entitled:
  - 870 Boston Post Road, by Edgewater Group, dated 8/20/04 and last revised 8/25/04,
    - o Sheets S-1, A-1 and A-2.
- B. Prior to obtaining a Zoning Permit for this project, the applicant shall submit a landscaping plan showing the type and location of new landscaping to be planted. That plan is subject to final review and action by the Planning & Zoning Director.
- C. During construction, the applicant shall utilize the sediment and erosion controls measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive,

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incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

- E. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- A. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 8, 2005). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Mr. Damanti read the next item:

**Special Permit Application #60-H, Country Club of Darien, 300 Mansfield Avenue.** Proposing to demolish two existing maintenance sheds and to construct two new maintenance buildings and perform related site development activities.

A motion was made by Ms. Forman, seconded by Mr. Spain to adopt the resolution as written. That motion was approved by a vote of 4-0. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 9, 2004**

Application Number: Special Permit Application #60-H

Tax Assessor's Map #5 Lot #40

Name and Address of Property Owner: Country Club of Darien  
And Applicant: 300 Mansfield Avenue  
Darien, CT 06820

Name and Address of Applicant's Representative: William J. Hennessey, Jr., Esq.  
Sandak Hennessey & Greco LLP  
970 Summer Street  
Stamford, CT 06905

Activity Being Applied For: Proposing to demolish two existing maintenance sheds and to construct two new maintenance buildings and to perform related site development activities.

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Property Location: The subject property is located on the east side of Mansfield Avenue, approximately 1,250 feet south of its intersection with Middlesex Road.

Zone: R-2 Zone

Date of Public Hearing: October 5, 2004

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: September 23, 2004  
October 1, 2004

Newspapers: Darien News-Review  
Norwalk Hour

Date of Action: November 9, 2004

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: November 18, 2004  
Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The Planning & Zoning Commission takes cognizance of the fact earlier this year, the Country Club of Darien submitted an application to the Planning and Zoning Commission (Special Permit Application #60-F), consisting of five parts: 1) reconstruction of the "halfway house"; 2) construction of new staff housing; 3) creation of a pool pavilion and terrace and other changes in the swimming pool area; 4) renovation and enlargement of the clubhouse kitchen and other interior renovations to the existing clubhouse; and 5) construction of maintenance sheds.
2. In a letter dated June 30, 2004, and during the public hearing on that matter on July 13, 2004, three parts of the application were withdrawn. They were: 1) reconstruction of the "halfway house"; 2) construction of new staff housing; and 5) construction of maintenance sheds. In its approval of a portion of Special Permit #60-F ( the above Items #3 and #4 only), the Commission noted that applications for any or all of those withdrawn activities in the future

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shall require a subsequent Special Permit application. The subject application is request #5 as noted within that prior application.

3. The two existing maintenance buildings will be demolished, and two new maintenance buildings constructed in generally the same vicinity as the existing buildings. The "north" building will be approximately 8,131 square feet, and used primarily for: storage of grounds maintenance equipment and related materials; fertilizer and chemical storage; and an environmental wash and treatment area. The "south" building will have: two floors totaling 6,558+/- square feet containing: a maintenance shop; space for the grounds and maintenance manager's office; and lockers and restrooms for the maintenance staff.
4. The Environmental Protection Commission (EPC) approved this application on September 15, 2004 (EPC #37-2004). That approval is hereby incorporated by reference. The project involves cleaning up the debris and discontinuing activities in close proximity to the inland wetlands.
5. General access to the maintenance facility is from Brookside Road via a driveway shared with a residence at 215 Brookside Road. Great care must be taken by the Club to make sure that the common access drive is not obstructed during the construction process.
6. As noted by the applicant at the public hearing on this matter, no change in membership or general activities at the club is proposed as part of this application. Any changes to the nature of on-site uses would require an amendment of the existing Special Permit (review and approval by the Planning and Zoning Commission).
7. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
8. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #60-H is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the plans entitled:
  - Country Club of Darien Demolition Plan for Grounds and Environmental Care Center, by Edward J. Frattaroli, Inc., scale 1"=20', dated April 14, 2004, Dwg. No. SC-1.
  - Country Club of Darien Site Plan for Grounds and Environmental Care Center, by Edward J. Frattaroli, Inc., scale 1"=20', dated February 3, 2004 last revised 09/01/04, Dwg. No. SC-2.
  - Country Club of Darien Grading Plan for Grounds and Environmental Care Center, by Edward J. Frattaroli, Inc., scale 1"=20', dated February 3, 2004 and last revised 9/01/04, Dwg. No. SC-3.
  - Country Club of Darien Utility Plan for Grounds and Environmental Care Center, by Edward J. Frattaroli, Inc., scale 1"=20', dated February 3, 2004 and last revised 09/01/04, Dwg. No. SC-4.
  - Country Club of Darien Soil Erosion & Sediment Control Plan for the Environmental Care Center, by Edward J. Frattaroli, Inc., scale 1"=20', dated February 3, 2004 and last revised 09/01/04, Dwg. No. SC-5.

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- Country Club of Darien Grounds and Environmental Care Facility, by Culpen & Woods Architects, scale 1/8"=1'-0", dated April 15, 2004 and last revised 4/16/04, Drawing Numbers PZ-0.1 through PZ-0.6.
  - Country Club of Darien Grounds and Environmental Care Facility, by Culpen & Woods Architects, scale 1/8"=1'-0", last revised 8/16/04, Drawing Numbers A-3.1 through A-3.3
- B. As noted by the applicant, this application proposes no change or increase in the uses or membership in the Country Club of Darien. Any such proposals would require an amendment of the Club's Special Permit, and action by the Planning and Zoning Commission.
- C. Any deliveries of chemicals and/or other potentially hazardous items to the maintenance facility area shall be done indoors, so as to minimize the impacts of any spills of hazardous materials. Storage of supplies, materials and equipment shall be entirely within the new, larger buildings. There shall be no exterior overnight parking of equipment or storage of supplies and/or materials.
- D. During construction, the applicant shall utilize any sediment and erosion control measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. The granting of this Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to a sewer permit for any new sewer lines from the Sewer Services Department.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 8, 2005).

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

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**Special Permit Application #237, Land Filling & Regrading Application #132, Joseph & Maura Collins, 163 Long Neck Point Road.** Proposing to install a tennis court and perform related site development activities.

A motion was made by Mr. Bigelow, seconded by Mr. Kenny to adopt the resolution as written. That motion was approved by a vote of 4-0. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 9, 2004**

Application Number: Special Permit Application #237  
Land Filling & Regrading Application #132

Tax Assessor's Map #61 Lot #1A

Street Address: 163 Long Neck Point Road

Name and Address of Property Owner: Joseph & Maura Collins  
155 Long Neck Point Road  
Darien, CT 06820

Name and Address of Applicant Christoffel Krediet  
And Applicant's Representative: Rucci Burnham Carta & Edelberg, LLP  
30 Old King's Highway South  
Darien, CT 06820

Activity Being Applied For: Proposing to install a tennis court and perform related site development activities.

Property Location: The subject property is located on the east side of Long Neck Point Road, approximately 200 feet south of its intersection with Pear Tree Point Road.

Zone: R-1

Date of Public Hearing: October 26, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 14 & 21, 2004

Newspaper: Darien News-Review

Date of Action: November 9, 2004

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:  
November 18, 2004

Newspaper: Darien News-Review



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The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The former residence on this property has been razed, and a new residence is in the process of being permitted. The applicant proposes to construct a "Hard-Tru" (clay) tennis court behind the proposed residence. Approximately 95 cubic yards of fill will be needed to construct the tennis court.
2. An October 26, 2004 letter from Todd D. Ritchie, PE of Stearns & Wheler, LLC explains that a perimeter drain around the tennis court will be installed, and that the drain will discharge to underground stormwater infiltration chambers. However, the location of the proposed drainage facilities is not shown on a plan.
3. The proposed new privet hedge, as shown on the Site Plan, along with the existing maple trees along the south property line will provide a sufficient buffer around the court area to minimize the visual impacts of the court.
4. The proposed tennis court is defined as an accessory structure and is accessory to the principal use of the property as a single-family residence. As approved herein, the tennis court is in harmony with the orderly development of the district, and will not adversely affect the development, use or value of adjacent land and buildings.
5. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
6. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #237 and Land Filling & Regrading Application #132 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

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- A. Construction of the “Hard-Tru” tennis court and the proposed filling and regrading shall be in accordance with the plans entitled:
  - Zoning Location / Topographic Survey prepared for Joseph J. Collins Maura M. Collins #163 Long Neck Point Road, by William W. Seymour & Associates, scale 1”=30’, dated April 22, 2004 and last revised Aug. 15, 2004.
  - Collins Tennis Court Site Plan, 163 Long Neck Point Road, by Beinfield Architecture, PC, dated 01 JUN 2004 and last revised 09-15-04, Drawing No. L-101.
- B. The proposed tennis court construction does not involve the installation of lights, and no such lighting is permitted.
- C. A plan shall be submitted prior to the issuance of a Zoning Permit for the tennis court showing the proposed location of the drainage facilities to be installed. Prior to the completion of the tennis court and prior to the issuance of a Certificate of Occupancy for the house, the applicant must provide certification from a licensed professional engineer that the galleries and drainage system as proposed for the tennis court have been installed in accordance with the required plans. All galleries shall be maintained by the owner.
- D. The landscaping plan as submitted shows a new privet hedge along the east side of the tennis court. That hedge shall be at least three feet high. That proposed hedge is an integral part of this approval, and shall be continuously maintained by the applicant.
- E. Sediment and erosion controls shall be installed to properly manage storm water runoff and to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. The granting of this Special Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- H. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 8, 2005). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan, as required herein to be amended, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. Within sixty days of this action, a drainage plan shall be submitted to the Planning and Zoning Department for review and action by the Director,

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and a Special Permit form filed in the Darien Land Records, or this approval shall become null and void.

*Discussion and deliberations on public hearing items closed on October 26, 2004:*

**Business Site Plan #96-H/Special Permit, Frank A. Miller, 1297-1335 Boston Post Road.** Proposing to raze existing veterinary clinic and construct a new parking area and perform related site development activities.

Commission members noted that drainage issues were considered as part of the application. An overflow parking area will also be created. Members noted that the project had obtained necessary approval from the EPC. It was noted that no vehicles for sale can be parked in the front yard setback. Staff will draft a resolution for consideration at the Commission's next meeting.

**Land Filling & Regrading Application #128, Robert & Catherine Barrett, 26 Great Hill Road.** Proposing to fill and regrade the back yard and perform related site development activities.

A discussion was held regarding this land fill which was done without a permit. The applicant had noted that it was done to alleviate the sloping backyard, and to address run-off. One of the issues mentioned during the hearing was that their backyard will become higher and may impact their neighbor's view. Mr. Damanti stated that, in his opinion, the additional fill will not cause problems for the neighbors, if proper precautions are taken, but there should be a tightly worded resolution regarding runoff to neighbors. The applicant will need to have to make the necessary modifications to ensure that no drainage problems occur. Staff will draft a resolution for consideration at the Commission's next meeting.

**Special Permit Application #15-J, Wee Burn Country Club, 410 Hollow Tree Ridge Road.** Proposing to demolish and replace current maintenance structures and perform related site development activities.

A brief discussion was held regarding the proper way to have delivery trucks drop off anything to service area of Club. It was noted that this is a similar application to the recently approved Country Club of Darien application. Staff will draft a resolution for consideration at the Commission's next meeting.

**Special Permit Application #221-E, Nextel Communications, Tower Drive.** Proposing to install wireless telecommunications antennas on an existing water tank and to install an equipment shelter/storage building at the base of the tower and perform related site development activities.

Commission members agreed that the Aquarion Water Company property is sometimes an eyesore. They noted that the landscaping should be carefully placed, and that the color of the shed should be as inconspicuous as possible (maybe green, to blend in with the trees). Nextel will need to make its best effort to match the tower color. Discussion ensued regarding the size of the proposed equipment shed, which will be outside of the tower. Some Commission members believed that it could be placed slightly underground, so that the fence blocks the shed entirely. Staff will draft a resolution for consideration at the Commission's next meeting.

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**Amendment of Business Site Plan #200-D/Special Permit, V&M, LLC, d/b/a Pizza, Pasta & Brew, 20 Center Street aka 33 Tokeneke Road.** Proposing to remove an existing planter wall and construct a new wall, and to establish an outdoor seating area.

Mr. Damanti noted that this is a request to remove the existing planter wall, build a new one, and establish an outdoor dining area. He said that they must comply with all the applicable rules of the State Liquor Commission regarding the serving/imbibing of alcohol in this area. Mr. Damanti stated that he was all for encouraging outdoor dining. It was noted that the planting and/or re-planting on Town property will require approval from the Department of Public Works. It is important that during construction, that Town property and neighboring businesses not be impacted. Staff will draft a resolution for review at the Commission's November 23, 2004 meeting.

**Approval of Minutes**

October 5, 2004          Public Hearing

Mr. Bigelow made motion to approve the October 5, 2004 minutes with minor typographical corrections. Mr. Kenny seconded that motion, which was approved by a vote of 4-0.

October 12, 2004          Public Hearing/General Meeting

Mr. Kenny made motion to approve the October 12, 2004 meeting minutes as written. Ms. Forman seconded that motion, which was approved by a vote of 4-0.

**Any other Business**

Commission members unanimously voted to go into "Other Business" to discuss one item—2239 Post Road. They said that based upon the information received this evening that they are comfortable approving the project. Commission members instructed Mr. Ginsberg to send a letter to Mr. Gleason, noting that the project is approved, with the condition that the house have the same "look and feel" as the historic house, and that specific plans be referred to. Ms. Forman made a motion to approve the request. That was seconded by Mr. Spain. The Commission was unanimous in its approval of this project with those conditions.

**2005 Town Plan of Conservation & Development**

Discussion of first draft of the Community Facilities Chapter (Chapter 8) and its Appendix.

Mr. Ginsberg explained to Commission members that he would like comments e-mailed or brought in to the office regarding any changes to the Public Facilities and Services Chapter and its related Appendix. Comments were made by Mrs. Forman on the use of government/municipal buildings being used by outside organizations.

The meeting was adjourned at 11:20 PM.

Respectfully Submitted,

Jeremy B. Ginsberg  
Planning & Zoning Director